

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DANIEL MURPHY,

Defendant.

CR-03-27-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 5, 2025. (Doc. 718.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 4, 2025. (Doc. 714.) The United States accused James Murphy (Murphy) of violating the conditions of his supervised release by: (1) failing to report for his scheduled substance abuse treatment session on November 16, 2024;(2) using methamphetamine after December 3, 2024; (3) failing to comply with

substance abuse treatment requirements on January 9, 2025; and (4) failing to make required restitution payments since October 30, 2024. (Doc. 711.)

At the revocation hearing, Murphy admitted he had violated the conditions of his supervised release by: (1) failing to report for his scheduled substance abuse treatment session on November 16, 2024; (2) using methamphetamine after December 3, 2024; and 3) failing to comply with substance abuse treatment requirements on January 9, 2025. The Government moved to dismiss allegation 4, which Judge Johnston granted. (Doc. 714.)

Judge Johnston found that the violations Murphy admitted prove serious and warrants revocation of Murphy's supervised release and recommends a term of custody of 7 months on both Count I and Count II, with no term of supervised release to follow. (Doc. 718.)

The violations prove serious and warrant revocation of Murphy's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 718) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that James Daniel Murphy be sentenced to a term of 7 months on Count I and Count II, with no term of supervised release to follow.

DATED this 10th day of February 2025.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court